

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-216448**DATE:** November 26, 1984**MATTER OF:** Emery Negonsott and Tom Cadue**DIGEST:**

Council members of Kickapoo Indian Tribe are not "interested parties" under GAO's Bid Protest Procedures since Kickapoo Tribe did not submit a bid on the questioned procurement and private parties, who do not represent an entity which participated in the procurement, lack the requisite direct economic interest in the contract awards in question.

Mr. Emery Negonsott and Mr. Tom Cadue protest the award of contracts Nos. B00C14200461 and B00C14200462 to Mr. Wayne Postoak, Postoak Construction Company, by the Bureau of Indian Affairs, United States Department of the Interior, for the construction of two bridges on the Kickapoo Indian Reservation. Mr. Negonsott and Mr. Cadue, Tribal Council Members of the Kickapoo Tribe, contend that the award was improper since Mr. Postoak was employed by the Bureau of Indian Affairs and may have had access to bid construction data.

Our Bid Protest Procedures require that a party be "interested" for its protest to be considered. 4 C.F.R. § 21.1(a) (1984). In determining whether a protester satisfies the interested party criterion, we examine the degree to which the asserted interest is both established and direct. In making this evaluation, we consider the nature of the issues raised and the direct or indirect benefit or relief sought by the protester. Professional Helicopter Pilots Association, B-208031.2, Oct. 22, 1982, 82-2 C.P.D. ¶ 363.

As a general rule, the interests involved in whether the award of a contract is proper are adequately protected by limiting the class of parties eligible to protest to disappointed bidders or offerors. Die Mesh Corporation, 58 Comp. Gen. 111 (1978), 78-2 C.P.D. ¶ 374. We have held that private parties, who do not represent an entity which participated in the questioned procurement, are not "interested parties" under our Bid Protest Procedures since

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they are not sufficiently affected by the procurement.
Turbine Engine Services, B-210411.2, Apr. 3, 1984, 84-1
C.P.D. ¶ 376.

Here, we understand that the Kickapoo Tribe did not submit a bid on the procurements which are being protested. In any event, there is no evidence that the individuals who filed the protest are authorized to protest on behalf of the Kickapoo Tribe. Under these circumstances, we find that protesters have not shown the requisite direct interest in the contract awards in question and, therefore, do not qualify as interested parties within the meaning of our Bid Protest Procedures.

We dismiss the protest. See 4 C.F.R. § 21.3(g) (1984).

Harry R. Van Cleve
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General Counsel